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Dear Joanna

MP_060310 Emirates One & Only Resort, Wolgan Valley - Modification Report

Thank you for the request from Public Authority Consultation (PAE-62976240) requesting advice from the NSW Environment Protection Authority (EPA) on the proposed modification (MP06_0310-MOD3) for the Emirates Resort (proponent)

As part of this response, the EPA has reviewed the following document and attached appendices.

- *Modification Report (Mod. No. 3) MP_06_0310 Emirates One & Only Resort, Wolgan Valley (Pitt & Sherry, May 2023).*

The EPA understands the modification is to permit a temporary increase to the number of permitted helicopter trips for guests to access to and from the resort, this follows the closure of Wolgan Road due to a landslip in late 2022. In addition, the EPA understands the proponent is accepting of a temporary modification until Lithgow City Council advises the Secretary that all weather two-wheel drive access to the resort has been re-established, then the approval will no longer be in effect.

Clause 20 of Schedule 1 of the *Protection of the Environment Operations Act 1997* states that a helicopter-related scheduled activity is that which has an intended use of more than 30 flight movements per week (where take-off and landing are separate flight movements), and that is conducted within 1 kilometre of a dwelling not associated with the activity. We note EPA's previous advice of 2017 for MOD2 (DOC17/498262-01) that EPA does not regulate helicopter noise unless there are ground-based activities that require licensing, and we note that there does not appear to be helicopter maintenance or refuelling activities associated with the proposal. The EPA also notes that further guidance can be found in Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – building siting and construction.

As outlined within the modification report, the proposal to increase helicopter movements is temporary while a 2WD access road into Wolgan Valley is being constructed. The existing consent for the resort has noise limits for the helicopter movements, restricted to daylight hours only and that noise monitoring and reporting was required after commencement of activities. The required monitoring and reports are said to have been completed. In the event Modification 3 is approved, we recommend that similar conditions are included.

If you have any specific questions regarding this matter, please contact Allan Adams on 6333 3804 or via e-mail info@epa.nsw.gov.au.

Yours sincerely

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